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தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

1960



MADRAS LEGISLATIVE COUNCIL DEBATES

EIGHTEENTH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

5th to 10th September 1960.

Volume XXXIX (Nos. 1 to 6).

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PERSONNEL OF THE GOVERNMENT OF MADRAS

GOVERNOR OF MADRAS.

SHRI BISNURAM MEDHI.

MEMBERS OF THE COUNCIL OF MINISTERS.

1 THE HON. SRI K. KAMARAJ, *Chief Minister in charge of Public, Planning and Community Development (including Local Development Works, Women's Welfare, Community Projects and Rural Welfare).*

2 THE HON. SRI M. BHAKTAVATSALAM, *Minister in charge of Home including Courts and Prisons and Prohibition, Food and Agriculture (including Khadi and Village Industries and Hindu Religious Endowments), Railways, Posts and Telegraphs and Civil Aviation.*

3 THE HON. SRI C. SUBRAMANIAM, *Minister in charge of Finance, Education, Information and Law (including Legislature and Engineering Colleges).*

4 THE HON. SRI M. A. MANICKAVELU, *Minister in charge of Revenue and Public Health.*

5 THE HON. SRI R. VENKATARAMAN, *Minister in charge of Industries, Labour and Co-operation (including Housing, Commercial Taxes and Nationalized Transport) (Leader of the House).*

6 THE HON. SRI P. KAKKAN, *Minister in charge of Public Works (excluding Electricity) and Harijan Welfare.*

7 THE HON. SRI V. RAMAIAH, *Minister in charge of Electricity, Transport (including Registration, Accommodation Control, Stationery and Printing and Government Press).*

8 THE HON. SRIMATHI LOURDHAMMAL SIMON, *Minister in charge of Local Administration and Fisheries.*

THE MADRAS LEGISLATIVE COUNCIL

PRINCIPAL OFFICERS.

Chairman.

THE HON. DR. P. V. CHERIAN.

Deputy Chairman.

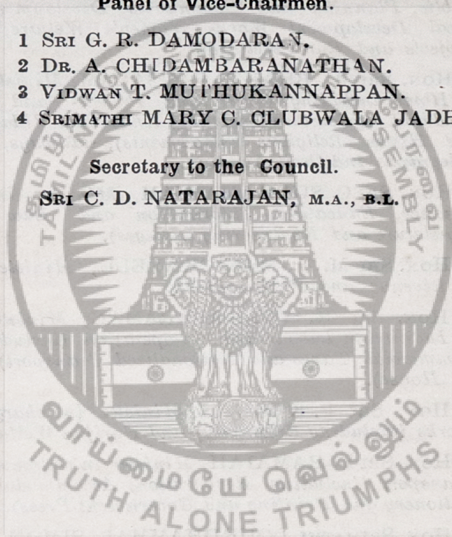
SRI V. K. PALANISWAMY GOUNDER.

Panel of Vice-Chairmen.

1 SRI G. R. DAMODARAN.
2 DR. A. CHIDAMBARANATHAN.
3 VIDWAN T. MUTHUKANNAPPAN.
4 SRIMATHI MARY C. CLUBWALA JADHAV.

Secretary to the Council.

SRI C. D. NATARAJAN, M.A., B.L.



LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL WITH THEIR CONSTITUENCIES.

Serial number and name of member.	Name and class of constituency.
1 Abdul Hameed Khan ..	State Legislative Assembly.
2 Adityan, S. T., B.A., B.L. ..	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli-*cum*-Kanyakumari Local Authorities.
3 Annamalai Pillai, N. ..	State Legislative Assembly.
4 Arunachalam, A. J. ..	Do.
5 Arunachalam, T. S. ..	Do.
6 Balasubramanya Ayyar, K., B.A., B.L.	Madras Graduates.
7 Balasundaram, V. S., B.A., L.T.,	State Legislative Assembly.
8 Cherian, Dr. P. V., M.B.B.S., D.L.O., F.R.F.P.S. (Glas.), F.R.C.S. (Edin.), (*Chairman*).	Madras Graduates.
9 Chidambara Mudaliar, A. ..	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli Local Authorities.
10 Chidambaram Pillai, I. A. M.A.	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli-*cum*-Kanyakumari Local Authorities.
11 Chidambaranathan, Dr. A. M.A. Phd.	Madras Teachers.
12 Clubwala Jadhav, Mary C. ..	NOMINATED.
13 Damodaran, G. R. B.SC. (Elec.) B.SC. (Mech.), (Durnam) M.I.E.E. (Lond.), M.I.E.	Madras Teachers.
14 Desikar, K. M.	South Arcot-*cum*-Tanjore-*cum*-Tiruchirappalli Local Authorities.
15 Devaraja Mudaliar, T. V. ..	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.
16 Durairaj, T.	South Arcot-*cum*-Tanjore-*cum*-Tiruchirappalli Local Authorities.
17 Ethirajalu, M.	State Legislative Assembly.
18 Gajapathy Nayagar, A., B.A., B.L.	Do.
19 Joghee Gowder, T. ..	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.

Serial number and name of member.	Name and class of constituency.
20 Jothi Vencatachellum ..	NOMINATED.
21 Kamalakannan, K.	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.
22 Karayalar, L. S., B.A., B.L., ..	State Legislative Assembly.
23 Kosalram, K. T.	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli-*cum*-Kanyakumari Local Authorities.
24 Krishnamoorthy, G.	Madras Teachers.
25 Krishnaswamy Vandayar, A.	State Legislative Assembly.
26 Kuppuswamy Mudali, A. ..	Do.
27 Lakshmanaswami Mudaliar, Dr. A., B.A., M.D., LL.D., D.SC., D.C.L., F.R.C.O.G., F.A.C.S.	Madras Graduates.
28 Madurai Pillai, P. ..	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
29 Manjubhashini, S.	NOMINATED.
30 Mohamed Raza Khan	State Legislative Assembly.
31 Muthukannappan, Vidwan T., B.A.	Do.
32 Nallaswami, B. K.	Do.
33 Nallasenapathi Sarkarai Manradiar, N.	Do.
34 Natarajan, S., B.A., L.T. ..	Madras Teachers.
35 Palaniswamy Gounder, V. K., (*Deputy Chairman*).	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
36 Patanjali Sastry, M., B.A., B.L.	NOMINATED.
37 Ponnuswamy Chettiar, S. R. P.	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
38 Rajan, P. T, B.A. (Hons.) Bar-at-law.	State Legislative Assembly
39 Ramalingam Pillai, V. ..	NOMINATED.
40 Ramaswamy, K. R.	State Legislative Assembly.
41 Ramasamy Gounder, K. M. B.A., L.T.	Madras Teachers.
42 Ramaswami, K. V.	State Legislative Assembly.
43 Rajagopal Pillai, M.	Do.
44 Ramaswami Reddiar, O. P. ..	NOMINATED.

Serial number and name of member.	Name and class of constituency.
45 Rengaswamy, V., B.A. ..	NOMINATED.
46 Sambandhan, S. K., B.A. ..	Madras Graduates.
47 Sankaranarayana Pillai, T. S., B.A., B.L.	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli Local Authorities.
48 Saraswathy Pandurangam ..	NOMINATED.
49 Seshachariar, M., B.A., B.L. ..	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.
50 Sivanandam, Dr. T. V., M.B.B.S.	Madras Graduates.
51 Sivasubramanya Nadar, S. P., B.A., B.L.	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli Local Authorities.
52 Somasundara Reddiar, A. ..	South Arcot-*cum*-Tanjore-*cum*-Tiruchirappalli Local Authorities.
53 Sreenivasan, Dr. A., M.R.C.P. (Lond.).	Madras Graduates.
54 Srinivasavaradan, T. P., B.A., L.T.	Madras Teachers.
55 Subbiah Chettiar, M. ..	South Arcot-*cum*-Tanjore-*cum*-Tiruchirappalli Local Authorities.
56 Subramanyam, A.	State Legislative Assembly.
57 Sudarsanam Naidu, M. V. ..	South Arcot-*cum*-Tanjore-*cum*-Tiruchirappalli Local Authorities.
58 Sundarambal, K. B.	NOMINATED.
59 Surendra Ram, V. M. ..	State Legislative Assembly.
60 Thangavel Mudaliar, A. K. ..	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.
61 Thiagaraja Reddiar P. B. K.	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
62 Venkataraman, R., M.A., B.L., (*Minister—Leader of the House*).	State Legislative Assembly.
63 Vijayarangam, G.	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.


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THE MADRAS LEGISLATIVE COUNCIL.

THE EIGHTEENTH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

Monday, the 5th September 1960.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Emergency appointments

* 67 *Q.*—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Chief Minister be pleased to state—

(*a*) the number of cases in 1958–59 in which the concurrence of the Public Service Commission was not sought for the continuance beyond three months of the temporary emergency appointments made by the appointing authorities in various departments of the Government; and

(*b*) the number of cases where the appointing authorities failed to obtain the concurrence of the Commission in sufficient time before the expiry of the three months' period?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (*a*) 1,056 cases.

(*b*) 1,307 cases.

SRI T. P. SRINIVASAVARADAN : Sir, in the report of the Madras Public Service Commission it has been stated that in a large number of cases the appointing authorities failed to obtain the concurrence of the Commission as required by the Government Orders. May I know how this was happened, and what action was taken against the concerned authorities?

THE HON. SRI R. VENKATARAMAN : The attention of the Government has been drawn to this fact and the Government have issued instructions to the heads of departments asking them to observe these rules correctly.

SRI T. P. SRINIVASAVARADAN : Is it a fact that in some cases the appointing authorities did not obtain the Commission's concurrence for the continuance of temporary appointments beyond the limit of three months and applied for it only after one year?

THE HON. SRI R. VENKATARAMAN : Yes, it has been brought to our notice that such cases have occurred.

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SRI MOHAMED RAZA KHAN : The rules provide that concurrence should be obtained. What was the difficulty of the heads of departments and other officials in going through this formality?

THE HON. SRI R. VENKATARAMAN : Normally they appoint for a period of three months, and then they are not sure whether the appointment would be continued or not. Then they realize it has got to be continued, and then it becomes too late to apply within the period specified in the Government Orders.

SRI T. P. SRINIVASAVARADAN : In many cases concurrence has been asked for after one year. The period allowed is only three months. After three months, they did not apply for the concurrence of the Commission. Only after one year they applied for the concurrence of the Commission. May I know why it is so?

THE HON. SRI R. VENKATARAMAN : There are two rules. One is that for continuing the person after three months, they have got to take concurrence. Then, the temporary appointments may be for one year. In these cases where they have to continue beyond a year, they have to obtain the concurrence of the Commission. Therefore concurrence has to be obtained twice in some cases. The concurrence for three months was obtained, but concurrence for continuance after one year has not been obtained in other cases. In some cases even the first concurrence has not been obtained.

SRI MOHAMED RAZA KHAN : Will the Hon. the Leader of the House tell us the nature of these appointments?

THE HON. SRI R. VENKATARAMAN : They are mostly in the junior clerical category.

Higher Secondary School teachers

* 68. *Q.*—DR. A. CHIDAMBARANATHAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether any qualifications for Higher Secondary School teachers have been prescribed by Government;

(*b*) if so, what they are; and

(*c*) when these will come into force?

THE HON. SRI C. SUBRAMANIAM : (*a*) Yes. Sir.

(*b*) (i) A Post-Graduate degree or the Post-Graduate Certificate to be issued by the University or a first class B.A. or B.Sc. degree, and

(ii) a degree in teaching

(*c*) with effect from 1962–63.

DR. A. CHIDAMBARANATHAN : May I know whether it is possible to give exemptions to teachers employed at present in the Secondary Schools with at least 15 years of teaching experience so as to enable them to handle Higher Secondary School classes?

THE HON. SRI C. SUBRAMANIAM : I will consult the University in the matter.

DR. A. CHIDAMBARANATHAN : Thanks.

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Pension for teachers in aided schools

* 69 *Q.*—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state—

(*a*) the number of applications for pension received so far from retired teachers in aided schools in each district in the State; and

(*b*) the number of cases in which pension has been sanctioned in each district?

THE HON. SRI C. SUBRAMANIAM : (*a*) & (*b*) Separate particulars regarding the number of applications received from teachers in aided schools, are not readily available. However, a statement [a] showing the number of applications received up to the end of May 1960, from retired teachers in aided and local body schools, the number disposed of, and the number pending is placed on the table of the House.

SRI G. KRISHNAMOORTHY : From the statement furnished it is seen that the number of applications that have been returned for rectification of defects exceeds 700. Will the Hon. Minister kindly inform us as to what exactly the procedure is, whether there is any printed form on which all the particulars are tabulated, and so on?

THE HON. SRI C. SUBRAMANIAM : I am sorry I do not have the information here. I think it should be well known by now.

SRI G. KRISHNAMOORTHY : As these applications, whether they have been returned for rectification of defects or otherwise, are known to be pending with the managements for a long time, will the Government kindly circularize the managements to keep these records ready six months in advance of the retirement of teachers and see that the teachers get their pensions at least after six months of their retirement?

THE HON. SRI C. SUBRAMANIAM : I think in the case of Government employees instructions have been issued that the statement should be prepared six months before retirement of the employee. I do not know whether any such instructions have been issued to the managements also. I shall look into it.

Arts College, Coimbatore

* 70 *Q.*—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) the number of candidates who applied for admission to the Coimbatore Arts College for the B.A. Degree Course in Tamil medium this year;

(*b*) the number of candidates selected;

(*c*) whether these candidates are given any stipend and if so, the amount thereof; and

(*d*) whether they have to pay their usual college fees?

THE HON. SRI C. SUBRAMANIAM : (*a*) Two hundred and forty.

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a Printed as Appendix I on page 23 infra.

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(*b*) One hundred against the 100 available seats.

(*c*) & (*d*) Full tuition fee remission is granted to all students the annual income of whose parents does not exceed Rs. 3,000. In addition, a monthly stipend of Rs. 30 each is given to forty-five students in the Tamil medium classes selected on the basis of merit. These stipendiaries should also satisfy the condition of the income limit of Rs. 3,000.

Sri MOHAMED RAZA KHAN: May I know whether this will be followed in future also in other colleges which will revert from the English medium to Tamil medium?

The Hon. Sri C. SUBRAMANIAM: Government have not yet taken a decision in the matter.

Sri MOHAMED RAZA KHAN: When there were as many as 240 applicants for only 100 seats, did not the Hon. Minister feel that there was great response from the students to take up this Tamil medium course, and that being so, where was the necessity for the Goverment to grant a stipend of Rs. 30 to about 45 students?

The Hon. Sri C. SUBRAMANIAM: We wanted that students from various other districts also should come and join the Coimbatore College for the purpose of taking this Tamil medium course. If no assistance was given, then persons from the other districts would find it difficult to come and prosecute their studies at Coimbatore. It is only for that purpose that the stipend was given.

Sri MOHAMED RAZA KHAN: May I take it that these stipends are available only to those students coming from other districts or even to the students coming from the Coimbatore district or Coimbatore town?

The Hon. Sri C. SUBRAMANIAM: I think no discrimination has been made on the basis of residence of the students. But that is one of the factors taken into consideration in the grant of stipends. I do not think they will be able to say that we have discriminated on that basis.

Sri MOHAMED RAZA KHAN: Does not the fact that stipends are paid only to people coming from other districts, amount to discrimination, since there is the same factor applicable to students undergoing instruction in English medium? They have also to go from one district to another district for prosecuting their studies.

The Hon. Sri C. SUBRAMANIAM: Sir, it is the policy of the Government to encourage students joining the Tamil medium college, and if the hon. Member thinks that it is discrimination, it is discrimination in favour of Tamil medium students and not against anybody.

Dr. A. SREENIVASAN: What are the special steps taken by the Government to encourage students to apply to this college and make the Tamil medium of instruction popular?

The Hon. Sri C. SUBRAMANIAM: I am not able to follow the question, Sir.

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DR. A. SREENIVASAN : Did the Government take any steps to increase the number of applicants to this particular college in order to make it appear to the public that this has become very popular?

THE HON. SRI C. SUBRAMANIAM : I appreciate the insinuation made by the hon. Member, but I may tell him that no such step was taken by the Government.

SRI MOHAMED RAZA KHAN : Is it a fact that an indication has been given to the students who joined this college that in the matter of appointments under the Madras Government, they will be given preference?

THE HON. SRI C. SUBRAMANIAM : We have discussed the matter in general and we have indicated that, since we have adopted Tamil as the language of administration, those who study the subjects at the higher levels also in Tamil, may get some preference.

Construction of hostels

* 71 *Q.*—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether the Government have received any communication from the Central Government on the extent of help to be given to educational institutions for construction of hostels; and

(*b*) if so, to place a copy of the same on the table of the House?

THE HON. SRI C. SUBRAMANIAM : (*a*) Yes, Sir.

(*b*) A copy [a] of the letter from the Government of India, Ministry of Education, No. F. 26-24-58-45, dated 21st November 1959 is placed on the table of the House.

SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister kindly let me know how many high schools got loans under this scheme for the construction of hostels?

THE HON. SRI C. SUBRAMANIAM : I do not think loans have been disbursed so far. Only money allotment has just been made and no disbursement has so far been made.

SRI T. P. SRINIVASAVARADAN : It refers to the Second Five-Year Plan. So one more year there is. 3-10 p.m.

THE HON. SRI C. SUBRAMANIAM. Just now I think intimation has been received with regard to the allotment of money to this State. That will have to be disbursed.

SRI T. P. SRINIVASAVARADAN : May I know, Sir, whether any ceiling is fixed for the college or for the high school?

THE HON. SRI C. SUBRAMANIAM : No particular ceiling is fixed, but the money that is available is limited.

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a Printed as Appendix II on pages 24–26 infra.

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SRI T. P. SRINIVASAVARADAN : May I know, Sir, whether the Government propose to take advantage of this loan given by the Central Government for constructing hostels attached to their institutions?

THE HON. SRI C. SUBRAMANIAM : I do not think this loan is available for Government institutions.

SRI MOHAMED RAZA KHAN : May I know, Sir, whether the opinion of the Madras Government is invited, or they just recommend cases or the priority, whether any institution applies to the Central Government?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir. Applications pass through us, and we make the recommendation. From the Third Five-Year Plan onwards, money would be made available, and we may make the disbursements.

Conversion of gallons into litres

* 72 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Industries be pleased to state—

(*a*) whether there has been any increase in the rate of sales tax consequent on the conversion of gallons into litres in respect of the sale of (i) petrol, (ii) diesel oil and (iii) kerosene; and

(*b*) if so, the rate of such increase and the average monthly extra income derived thereby?

THE HON. SRI R. VENKATARAMAN : (*a*) In respect of petrol and diesel oil there has been a slight increase consequent on the introduction of the metric system for the levy of tax under the Madras Sales of Motor Spirit Taxation Act, kerosene is subject to a single point tax under the Madras General Sales Tax Act, 1959, at 5 per cent of turnover and is accordingly not affected by the introduction of the metric system.

(*b*) —

Increase in the rate of tax.	*Estimated additional monthly revenue.*
Petrol 0·641 nP. per litre.	about Rs. 42,000.
Diesel oil 0·301 nP. per litre.	about Rs. 45,000.
Kerosene.......does not arise...........	

DR. A. SREENIVASAN : Sir, will the Government consider the desirability of passing on the excess that is collected to the consumer himself?

THE HON. SRI R. VENKATARAMAN : Sir, this matter is coming up for approval by this House. At that time we can discuss all this.

Revision of the scales of pay of teachers

* 73 *Q.*—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state—

(*a*) when the revision of the scales of pay of teachers in the State took place last;

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(*b*) the cost of living index at the time of such revision; and

(*c*) whether the Government propose to revise the scales of salaries now with reference to the present cost of living index?

THE HON. SRI C. SUBRAMANIAM : (*a*) A general revision of scales of pay of teachers was made last in 1947.

(*b*) In 1947, the cost of living index stood at 272 (base 1936 = 100).

(*c*) The Madras Pay Commission, 1959-60 has recommended revised scales of pay for teachers. Orders relating to the scales of pay of teachers in Government institutions have been issued. Orders relating to teachers in aided and local body institutions will be issued shortly.

SRI G. KRISHNAMOORTHY : When exactly, Sir, can the orders be expected with regard to the aided institutions?

THE HON. SRI C. SUBRAMANIAM : I think they should be under issue now, because I was assured that the scrutiny had almost been completed.

SRI G. KRISHNAMOORTHY : Sir, what, in the opinion of the Government, is the minimum living wage for a teacher or anybody in this State?

THE HON. SRI C. SUBRAMANIAM : I do not think that the hon. Member is entitled to ask for my opinion about it.

Stabilization of food prices

* 74 *Q.*—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether it is a fact that this Government have made certain suggestions at the recent meeting of the National Development Council with regard to the stabilization of food prices;

(*b*) if so, what they are; and

(*c*) the decisions, if any, taken thereon?

THE HON. SRI C. SUBRAMANIAM : (*a*) to (*c*) The National Development Council at its meeting held on the 19th and 20th March requested the Chief Ministers of States to forward their suggestions relating to price policy for the Third Plan for consideration at the meeting of the National Development Council to be held on 17th April. The suggestions of the State Governments are now under consideration of a High Level Committee set up by the National Development Council. It is not in the public interest to divulge the nature of the suggestions made by the Government.

SRI MOHAMED RAZA KHAN : Would the Hon. the Finance Minister tell us such of those things which are not in public interest?

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Teachers in aided elementary schools

* 75 Q.—SRI G. KRISHNAMOORTHY: Will the Hon. the Minister for Finance be pleased to state—

(a) whether any representation has been received by the Government that teachers in aided elementary schools that opted as non-fee-levying from 1st June 1959 need to be paid salaries as per the entries in their Service Registers; and

(b) if so, the action taken thereon?

THE HON. SRI C. SUBRAMANIAM: (a) Yes, Sir.

(b) The Government have decided that there is no need to change the original order that these teachers should be allowed the pay last drawn by them as per the Service Register or the pay fixed in the Government scale whichever was less.

SRI G. KRISHNAMOORTHY: Did the Government take into consideration the representation of the teachers that the difference should be given as personal pay, because it was an actual deduction in what they were getting?

THE HON. SRI C. SUBRAMANIAM: Now that the revised scale of pay is given, this should give satisfaction to all.

SRI G. KRISHNAMOORTHY: Sir, since the Government themselves admit the entries in the service registers as attested by the departmental officers, will they not consider the justice behind the claim and see that no teacher's salary is reduced?

THE HON. SRI C. SUBRAMANIAM: I have already stated, and it was also announced, that we would give the Government scale of pay or the actual pay they were receiving, whichever was less. I do not think it would be justifiable on the part of the Government to undertake a greater liability.

SRI G. KRISHNAMOORTHY: Sir, will the Government look into facts and figures, go through the representations, and then find out whether or not these teachers' salaries were actually reduced from the 1st June 1959 by this new formula of the Government?

THE HON. SRI C. SUBRAMANIAM: They were being paid by persons who were collecting fees, and I do not see why they alone should get a greater advantage than other teachers who have to serve in schools where no fees are levied. Now that the same pattern is being adopted, they should fall in line with other schools and no extra claim should be made.

Aided High School at Arkonam

* 76 Q.—SRI G. KRISHNAMOORTHY, SRI T. P. SRINIVASAVARADAN } : Will the Hon. Minister for Finance be pleased to state—

(a) whether it is a fact that salaries of teachers have not been disbursed for some months in an Aided High school at Arkonam, North Arcot district;

(*b*) whether any representation has been received recently by the Government on the matter; and

(*c*) if so, the action taken thereon?

THE HON. SRI C. SUBRAMANIAM : (*a*) & (*b*) : Yes, Sir.

(*c*) The Director of Public Instruction has taken steps to disburse the salaries of the teachers through the District Educational Officer with the help of the Government grant. He is also examining the question of taking action against the Headmaster and the Correspondent of the school under the Madras Educational Rules.

SRI T. P. SRINIVASAVARADAN : It is a chronic disease with this school. This is not the first instance when payment of salaries to teachers is delayed. May I know what action the Government are going to take as regards this school?

THE HON. SRI C. SUBRAMANIAM : The hon. Member seems to have better information than I that this is a chronic case. In some cases this is happening, and we are trying to rectify it. But I would submit that it is only in rare cases schools are delaying payment of salaries.

SRI T. P. SRINIVASAVARADAN : Sir, is it not a fact that on account of many irregularities, grant has been withheld for two years?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir. As a matter of fact, the main difficulty arises when the schools commit irregularities. Then grants are not paid. When once there is non-payment of salary to the teachers, further increase in the amount of salary to the teachers is caused in the process.

SRI T. P. SRINIVASAVARADAN : Irregularities are not those like misappropriation. If it is an irregularity of a routine nature, may I request the Government to see that the grant is paid directly to teachers?

THE HON. SRI C. SUBRAMANIAIM : Whenever complaints are received, we have been disbursing directly the Government grant available to the teachers.

SRI S. NATARAJAN : The irregularity arises out of payment of compensation to institutions who give fee concessions to pupils belonging to backward communities and Harijans. The certificates required of them are not properly filled in. Cannot this responsibility be taken away from the schools and given to the Welfare Officers in charge of each district? Then the schools will be in a position to submit clean records.

THE HON. SRI C. SUBRAMANIAM : I do not know how Welfare Officers can get the facts and figures with reference to each student. This will be a real difficulty. After all, we have to take some responsibility in respect of the children studying in our schools.

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SRI G. KRISHNAMOORTHY: Is there not a rule in force that a decent amount—say a month's requirements—should be deposited by the managements?

THE HON. SRI C. SUBRAMANIAM: There is now a provision for creating endowments for this purpose. When these endowments are available, they are also utilised.

SRI T. P. SRINIVASAVARADAN: Sir, is it not a fact that this rule applies to schools that came into existence after 1948, and that in respect of the schools which were in existence before 1948, there is no such rule?

THE HON. SRI C. SUBRAMANIAM: That is so, Sir.

MR. CHAIRMAN: Questions are over.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ANNOUNCEMENT *RE*: DECISION OF THE BUSINESS ADVISORY COMMITTEE.

MR. CHAIRMAN: At a meeting of the Business Advisory Committee held at 2-30 p.m. to-day (5th September 1960), the following programme of business has been decided:—

6th September 1960, *Tuesday*, 3 *p.m.*

1. The Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960).

2. The Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960).

3. The Madras (Transferred Territory) Extension of Laws Bill, 1960 (L.A. Bill No. 17 of 1960).

4. The Madras Panchayat Union Councils (Special Provisions for First Constitution) Bill, 1960 (L.A. Bill No. 19 of 1960).

7th September 1960, *Wednesday*, *8th September* 1960, *Thursday* and *9th September* 1960, *Friday*, 3 *p.m.*

Discussion on the Draft Outline of the Third Five-Year Plan.

Further programme of business will be decided on 9th September 1960.

III.—GOVERNMENT BILL.

(1) THE MADRAS SALES OF MOTOR SPIRIT TAXATION (AMENDMENT) BILL, 1960 (L.A. BILL NO. 23 OF 1960).

THE HON. SRI R. VENKATARAMAN: Sir, I move—

'That the Madras Sales of Motor Spirit Taxation (Amendment) Bill [a], 1960 (L.A. Bill No. 23 of 1960), as passed by the Legislative Assembly, be taken into consideration.'

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[a] Printed as Appendix III on page 27 infra.

5th September 1960] [Sri R. Venkataraman]

Sir, consequent on the introduction of the metric system, a revision in the rates of sales tax has become necessary. To-day petrol is charged at 38 nP. per gallon. Diesel oil is taxed at 35 nP. per gallon. Motor spirits other than petrol and diesel oil are taxed at 10 nP. per gallon. The conversion table of the gallon into litre is 4·5 and so on, so that, if we convert the existing rate into 'litres', the result will be that we may have to charge per litre 8·359 nP. brought to the third decimal place, at the rate of 38 nP. per gallon of petrol. Similarly, diesel oil will have to be taxed at 7·699 nP. per litre at the rate of 35 nP. per gallon. In the case of motor spirits which are taxed at 10 nP. per gallon, the tax per litre will work out to 2.199 nP. In this Bill, we have rounded off the tax on petrol to 9 nP. on diesel oil to 8 nP. and on motor spirit to 2 nP. There has been a small upward revision consequent on this rate of levy. Actually, petrol which is chargeable to 8.359 nP. per litre will be charged to 9 nP. and diesel oil which is chargeable to 7·699 nP. per litre will be charged to 8 nP. On the other hand, with regard to other motor spirits, there will be a reduction from 2·199 nP. to 2 nP. per litre. As a result of the revision of the rates, the State is likely to get roughly about 11 lakhs of rupees. 3-20 p.m.

SRI MOHAMED RAZA KHAN: Hear, hear.

THE HON. SRI R. VENKATARAMAN: On petrol, we will get Rs. 5,35,309. On diesel oil, we will get Rs. 6,13,207. On motor spirits, we will lose Rs. 27,114. The net position is, we will get Rs. 11,21,402. The reason which induced the Government to adopt these rates is that we have to maintain the difference between petrol and diesel. The rate on petrol, when we round it off to the nearest integer, will come to 8 nP. per litre. So also, when we round off the rate on diesel oil to the nearest integer, it will come to the same 8 nP. per litre. But in view of the difference which we have always maintained between petrol and diesel oil, we have decided, so far as petrol is concerned, to round it to the next higher figure. This is not a taxation measure in the sense that it is intended for raising our revenues. Actually, this has been introduced for the purpose of bringing the sale of petrol under the metric system. Fortunately, we are on the threshold of great industrial development and changes, and unless we adopt the metric system now, we will find it difficult later to change over to the metric system after the weights, measures, scales and other instruments are prepared in the old system. Therefore, I commend this Bill to the House for its acceptance.

MR. CHAIRMAN: Motion moved—

"That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1960 (L.A. Bill No. 23 of 1960), as passed by the Legislative Assembly, be taken into consideration."

DR. A. SREENIVASAN: Mr. Chairman, I beg to oppose this measure. I consider that the metric system has been of great benefit to the Government from the monetary point of view. I also consider that this forty lakhs of rupees is ill-gotten money.

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Dr. A. LAKSHMANASWAMI MUDALIAR : Eleven lakhs.

Dr. A. SREENIVASAN : Even that eleven lakhs is ill-gotten money. Why not pass on the benefit to the consumer himself? Sir, motor car is not considered a luxury at all now. It has become a necessity in every walk of life. Therefore. I consider that the Government are not well-advised to revise the rates upwardly. There must be a downward revision.

Sri MOHAMED RAZA KHAN : Sir, I just want to say a word or two. This Ordinance was passed on the 26th June 1960 consequent on the Legislature having been prorogued. But the Government have decided to have the rates levied with effect from 1st April itself. In that case, they could have taken the decision in February or March and brought in a Bill then as the House was in session right up to the end of April, if I remember aright. As a matter of policy, Ordinance should be resorted to only as an inevitable course. The Government could have brought in a small Bill somewhere in the month of March or April, if not earlier. The Ordinance came into effect on the 25th June 1960 and I take it that during the period from 1st April to 25th June 1960, the sales were in terms of gallons and not litres.

As regards the point raised by Dr. Sreenivasan, I must say one thing. I have also calculated the present levy. In terms of litre, the Hon. Leader of the House said that the levy should be 8·359 nP. Sir, may I bring to your kind notice one thing? You have known much more about this petrol than I have known. In the course of the last 10 years, you know, Sir, how its price has been fluctuating. In the year 1946, the tax per gallon of petrol was one anna. A year or so later, after the Congress Government took over, they thought of raising the rate from one anna to four annas in order to augment the revenues of the Government. That is, the increase was 400 per cent apart from the Union levies which the consumer has to pay. Again it was raised to six annas, and in terms of naye paise it comes to 38. However small the increase—I do not grudge the Hon. the Leader of the House, who is in charge of commercial taxes, this small levy—I must say one thing. He feels happy that even by this small conversion, he is getting eleven lakhs of rupees. The Government are always careful to see that any benefit of revision always goes to them and not to the consumer. The elementary principle in conversion is that anything above 0.5 should be rounded off to one and anything below 0.5 eliminated. This is a common principle. Therefore, I am not convinced by the argument of the Hon. the Leader of the House when he says that he has put 8·359 nP. at 9 nP. in order to maintain the difference between petrol and diesel oil. We will not be surprised, Sir, if one day the Government again come forward to raise the levy on diesel oil and charge it heavily. So, Sir, it is not a question of raising money. It is a question of principle. Eleven lakhs of rupees this way or that way is not a big

5th September 1960] [Sri Mohamed Raza Khan]

sum. But whether it is a businessman or Government, elementary principles should not be ignored. 8.359 nP. should be made only 8 nP. and not 9 nP.

THE HON. SRI R. VENKATARAMAN : Sir, I am glad that the Bill goes through without much . . .

MR. CHAIRMAN : It has not gone through yet.

THE HON. SRI R. VENKATARAMAN : Actually, the point is why the rate on petrol was not rounded off to the lower integer. As I have said, we have maintained all along that a difference in rates of taxation should exist between petrol and diesel oil. We have always felt that persons who use petrol have a greater ability to bear the burden of taxation than those who use diesel oil. To charge the same rate on both diesel oil and petrol would raise a hue and cry . . . (SRI MOHAMED RAZA KHAN : Any way it is not convincing.) that the box has been made uniform. Therefore, Government are not able to accede to that request. I think hon. Members will now appreciate the attitude of the Government and support the measure.

MR. CHAIRMAN : The question is—

"That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1960 (L.A. Bill No. 23 of 1960), as passed by the Legislative Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 and 3 were put and carried.

Clause 1 and the preamble were put and carried.

THE HON. SRI R. VENKATARAMAN : Sir, I move—

"That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1960 (L.A. Bill No. 23 of 1960), as passed by the Legislative Assembly, be passed."

MR. CHAIRMAN : The question is—

"That the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1960 (L.A. Bill No. 23 of 1960) as passed by the Legislative Assembly, be passed."

The motion was put and carried and the Bill was passed.

(2) THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (MADRAS AMENDMENT) BILL, 1960 (L.A. BILL NO. 14 OF 1960). 3–30 p.m.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

"That the Industrial Employment (Standing Orders) (Madras Amendment) Bill ᵃ, 1960 (L.A. Bill No. 14 of 1960), as passed by the Legislative Assembly, be taken into consideration."

ᵃ Printed as Appendix IV on pages 27–28 infra.

[Sri R. Venkataraman] [5th September 1960

Sir, under the existing Central enactment only the Commissioner of Labour has got the authority to certify standing orders. This Bill seeks to delegate the power to other officers appointed in this behalf. That is the substance of the Bill.

Under the existing law every factory which has more than one hundred employees should frame standing orders and have them approved by the Commissioner of Labour. That is the contract of employment between the workers and the management and the conditions are regulated by the Standing Orders. This Standing Orders Act of 1946 after it has been brought into force has really helped to regulate conditions of employment in factories and a lot of unnecessary differences and disputes with regard to the conditions of employment have been eliminated. As it is, the Commissioner of Labour is not able to attend to all this work, and the certification of the standing orders is delayed. Therefore Government have brought forward this Bill to authorize an officer appointed in this behalf also to certify.

MR. CHAIRMAN : Motion moved—

"That the Industrial Employment (Standing Orders) (Madras Amendment) Bill, 1960 (L.A. Bill No. 14 of 1960), as passed by the Legislative Assembly, be taken into consideration."

SRI MOHAMED RAZA KHAN : Sir, I entirely agree with the Hon. Minister that this Bill is necessary. But in the Bill power is given to the Government to specify the officers who will be empowered to certify these standing orders. Why should not the Government specifically state that in the absence of the Commissioner of Labour, so and so, an officer of a specified rank, would certify them?

THE HON. SRI R. VENKATARAMAN : It will depend on the circumstances of the case as to who should be authorized. Generally the Deputy Commissioner of Labour is appointed as the person who will certify standing orders. Sometimes the Deputy Commisioner is invested with powers under the Workmen's Compensation Act. In such cases the Assistant Commissioner will be invested with the authority. Therefore, there is no question of any low-ranking junior officer being empowered by the Government to certify the standing orders. Government realize that it is a very important subject, and these standing orders regulate the relationship between the employers and the employees. Government will therefore always take care to see that fairly senior officers are appointed to certify the standing orders.

MR. CHAIRMAN : The question is—

"That the Industrial Employment (Standing Orders) (Madras Amendment) Bill, 1960 (L.A. Bill No. 14 of 1960), as passed by the Legislative Assembly, be taken into consideration."

5th September 1960] [Mr. Chairman]

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

"That the Industrial Employment (Standing Orders) (Madras Amendment) Bill, 1960 (L.A. Bill No. 14 of 1960), as passed by the Legislative Assembly, be passed."

MR. CHAIRMAN : The question is—

"That the Industrial Employment (Standing Orders) (Madras Amendment) Bill, 1960 (L.A. Bill No. 14 of 1960), as passed by the Legislative Assembly, be passed."

The motion was put and carried and the Bill was passed.

(3) THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT) BILL, 1960 (L.A. BILL NO. 27 OF 1960).

* THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, I move—

"That the Madras Preservation of Private Forests (Amendment) Bill [a], 1960 (L.A. Bill No. 27 of 1960), as passed by the Legislative Assembly, be taken into consideration."

Sir, in the year 1946 an Act was passed in order to safeguard the forest wealth of our State by preventing indiscriminate felling of trees both in estates, technically so-called under the Estates Abolition Act and also in private forests having a contiguous area of one hundred acres. The Act was re-enacted in 1949 and from time to time it has been extended. And now finally it has been extended up to 2nd December 1961.

It has now been brought to the notice of the Government that large fellings are taking place both in the Gudalur area of the Nilgiris district and other areas, and, therefore, Government by this amending Bill want to restrict the area to 30 acres. Now it is 100 acres. Hereafter even contiguous areas of 30 acres will be declared forests, and they will have to conform to the formalities such as taking permission from the Collector to fell trees and to sell, or mortgage the forests. That in effect is the main object of the Bill.

MR. CHAIRMAN : Motion moved—

"That the Madras Preservation of Private Forests (Amendment) Bill, 1960 (L.A. Bill No. 27 of 1960), as passed by the Legislative Assembly, be taken into consideration."

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[a] Printed as Appendix V on pages 28–29 infra.

[5th September 1960

SRI T. P. SRINIVASAVARADAN : Mr. Chairman, Sir, I am glad that the Bill has been brought forward at least now. This indiscriminate felling of trees has been going on for the last ten years. We do not know what action the Government took all these years to prevent such cuttings. I think they were only silent spectators all these years. Many trees have been felled and converted into charcoal. Now they are bringing in this Bill. Before this is implemented, almost all the trees will have been felled. I fear that this may not serve any useful purpose at all. In the Chingleput district there were many small forests, and they have all been converted into co-called cultivable lands. Really they are not fit for any cultivation. My point is that the Government should have brought in this Bill much earlier. Hereafter at least they will, I hope, take care to see that such Bills are brought in sufficiently early to protect the forests.

DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, Sir, I would like to know whether Government have taken any notice and preserved the forests which are under their own control. My information is that the forests which are under Government control are being denuded much more rapidly than the forests under private control. It is especially so in some of the hill stations. Particularly in Kodaikanal I found a long stretch of well-grown trees felled—from the Moir point right down to a distance of about six to seven miles. This was due to various things. I do not know the purpose myself. But I think it is very necessary that the Government themselves should put a prohibitory order on their own actions in regard to preservation of forests and set an example to private forest-owners to do likewise. Otherwise not only the soil would be wasted, but the rainfall also will be affected. And various other disastrous consequences are likely to follow on that. I hope there will be a Bill further to conserve forests, which are owned by the Government, and to prevent Government from issuing orders to fell such trees indiscriminately.

* SRI M. SESHACHARIAR : Mr. Chairman, in regard to the definition of forests, I would like to know whether it includes areas grown with casuarina trees. There may be cases where people might have raised over areas of 30 or 40 acres trees mainly intended for the purpose of fuel. They have to be felled after a stated period and these cannot be restricted by the Bill. Therefore Government will have to make certain exceptions in regard to such areas. There may be people who may own forests, and they may try to exploit them by denuding the forests. Imposing restrictions in such cases will be reasonable. It should not however include all trees, especially those specifically grown for purposes of fuel. I think in those cases we cannot pass such a legislation. Therefore I would request that in the matter of felling trees specifically grown for purposes of fuel, Government should provide for some exemptions. Casuarina is grown everywhere for purposes of fuel. Therefore we cannot prevent people from cultivating casuarina and felling the trees for the specific purpose of fuel.

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* SRI V. M. SURENDRA RAM : **கனம் தலைவர் அவர்களே,** கனம் எதிர்க் கட்சித் தலைவர் சொன்னதை நான் பூரணமாக ஆமோதிக்கிறேன். கூடலூரில் இப்போது மரங்கள் அதிகமாக வெட்டப்படுகின்றன என்று மந்திரியால் தெரிவிக்கப்படுகிறது. கூடலூரைப் பொறுத்தவரையில், அங்கு தனியார் பட்டா நிலங்கள் அதிகம் இல்லை என்று நான் சொல்லுவேன். அங்கே முக்கியமாக சர்க்கார் நிலங்கள்தான் அதிகம். காட்டு இலாகாவினர் மற்றவர்களுக்குச் சட்டம் சொல்லுகிறார்கள்; ஆனால் அவர்கள் சட்டத்தை கடைப் பிடிப்பதில்லை. நீலகிரி ஜில்லாவில் அதிக மரங்கள் இருக்கின்றன. மரங்களை வெட்டக்கூடாது என்று சொல்லப் படுகிறது. 'பாரஸ்ட் டிபார்ட்மெண்ட்'-இல் 'கூப் ஸிஸ்டம்' என்று ஒரு முறை இருக்கிறது. அந்த இலாகாவினர் காடு வளர்ப்பதற்காக நாற்று நடுகிறார்கள். அவைகளை அவர்கள் ஐந்து ஆறு வருடங்களுக்குள்ளாகவே வெட்டுகிறார்கள். அவர்கள் ஒரு சட்டத்தையும் கடைப்பிடிப்பதில்லை. நீலகிரி ஜில்லாவில் மரங்கள் குறைந்து போவதற்குக் காரணமே காட்டு இலாகாதான். தனியாருக்காகப் போடும் சட்டங்களை சர்க்காரும் கூடியவரையில் கடைப்பிடித்தால் ரொம்ப நன்றாக இருக்கும். கூடலூர் தாலூகாவில்தான் மரங்களை ரொம்ப ஏலம் போடுகிறார்கள். அங்கு இரண்டு வருஷ மரங்களையும் ஏலம் போடுகிறார்கள், 50 வருஷ மரங்களையும் ஏலம் போடுகிறார்கள். ஏலம் போடப்போவது யாருக்கும் தெரிவதில்லை. சரியான விளம்பரம் செய்வதில்லை. இதன் காரணமாக நமது மாநில விலை உயர்ந்த மரங்கள் பக்கத்து மாநிலத்திற்கு அதிக சுலபமான விலையில் போகின்றன. தனியாருக்காகப் போடும் சட்டங்களை சர்க்காரும் கூடியவரையில் கடைப்பிடித்தால் நம் மாகாண விலை உயர்ந்த மரங்கள் நமக்கு உபயோகப்படும் என்று இந்த சந்தர்ப்பத்தில் சொல்லிக்கொண்டு என் வார்த்தையை முடித்துக்கொள்ளுகிறேன்.

SRI MOHAMED RAZA KHAN : Sir, if I remember aright, the Hon. Minister has given, on a previous occasion, a promise that he will bring forward a comprehensive Bill to preserve private forests. Fortunately for the Hon. Minister, the Deputy Leader of the Opposition Sri Balasubramanya Ayyar is not here. This question of bringing forward a comprehensive Bill has been there for the last eight years. Possibly the Bill may come before the House after 1962. 3-40 p.m.

The late Dr. John used to speak a lot on the way in which our forests have been denuded. Hon. Members are well aware that our State cannot make any claim to large areas of forest at all. After the separation of Malabar from the Madras State, there is not much of forest area left in the Madras State. There are some private forests. It is our duty to preserve them. Let alone private forests. Even with regard to Government forests, I do not know whether the Government have got any definite policy regarding felling and regeneration. In the private forests, a lot of trees are being felled. Just a year or two ago, when the price of tamarind went up by

leaps and bounds, and when there was a hue and cry against the high price, it was stated that that was due to the cutting down of most of the tamarind trees. Is there no rule to prohibit the cutting of these trees? I think the Hon. Minister would have seen the number of trees that had been cut down all along the road from Madras to Vellore. I think he goes to his constituency by car. When he goes by car, he could himself see how the trees on the trunk road, which were there some years before, have all been felled. There were avenue trees up to Poonamallee, and they have all ben cut down. I do not know whether these trees belonged to the Public Works Department or the District Board. It is a very sad thing to see that first the bark of the tree is removed, and then the tree is made to become dry. Thereafter the tree is cut and removed. Some of the papers, for example, 'The Mail' brought to the notice of the public, by means of photographs, how this vandalism has taken place. But no action was taken. There is no use of talking about what has happened. Now at least the Government should undertake severe measures to prevent this indiscriminate felling of trees.

THE HON. SRI M. A. MANICKAVELU : Sir, this is only an amending Bill. The Act was passed in 1946. The Government passed that Act with the object of preventing the indiscriminate felling of trees. Even before the Act came into force, some of the zamindars had entered into contracts for the felling and removal of the trees, and so quite a large area of forests was destroyed. We even launched one or two prosecutions against the ex-zamindars as soon as we got knowledge that forests had been destroyed. We tried to take steps to prevent felling and cutting of trees.

As regards the provision to be made in respect of the area belonging to the Government themselves, I submit that generally the Government are trying to regenerate the forests. If they fell any tree, it is only to remove the dead, decrepit and old jungle tree, and plant in its place teak or other valuable tree. There is no vandalism on the part of the Government. If any tree is felled, it is only to plant a more valuable tree like cashew or teak. Many areas go under the name of forests. But they are all shrubs. If trees are not as useful as the ones which we will plant, then we cut those trees and plant more useful trees. I am aware that there was publicity about trees being felled in a particular area and I think sufficient explanation was given on the floor of this House and the other House about that. So, I shall not go into that matter now. The Government want to preserve as much forest area as possible.

With regard to the point raised by my lawyer Friend behind, I may say that we do not prevent any cutting. What the Act says is that if one is going to cut the tree, he should take the permission of the Collector. The Collector will use his discretion and see that very young and immature trees are not cut and that only the old trees are cut. There is opportunity given to cut, but the restriction is that one should take the permission of the Collec-

tor. If a cashewnut tree has become old and does not yield any fruit, one can apply to the Collector for cutting down that tree. (Interruption.) The only difference between casuarina and cashewnut tree is the fruit of the cashewnut tree. Casuarina is grown for fuel purposes. Cutting down of any tree is not totally banned, but one has to apply for permission to cut it down.

Sir, with these words, I think hon. Members will be satisfied with the object of the Bill.

MR. CHAIRMAN : The question is—

"That the Madras Preservation of Private Forests (Amendment) Bill, 1960 (L.A. Bill No. 27 of 1960), as passed by the Legislative Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 5 were put and carried.

Clause 1 and the preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That Madras Preservation of Private Forests (Amendment) Bill, 1960 (L.A. Bill No. 27 of 1960), as passed by the Legislative Assembly, be passed."

MR. CHAIRMAN : The question is—

"That the Madras Preservation of Private Forests (Amendment) Bill, 1960 (L.A. Bill No. 27 of 1960), as passed by the Legislative Assembly, be passed."

The motion was put and carried and the Bill was passed.

(4) THE MADRAS PLACES OF PUBLIC RESORT (AMENDMENT) BILL, 1960 (L.A. BILL NO. 20 OF 1960).

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Madras Places of Public Resort (Amendment) Bill,[a] 1960 (L.A. Bill No. 20 of 1960), as passed by the Legislative Assembly, be taken into consideration."

Sir, under the provisions of the Act of 1888, permission has to be got from the Chairman of the municipality. This is a very old Act. So in the circumstances prevailing then, permission had to be sought from the Chairman of the municipality. Then the Chairman of the municipality was the executive authority of the municipality. But now executive officers have been appointed for municipalities. The spirit of the provision for taking permission from the municipality

[a] Printed as Appendix VI on pages 29-33 infra.

is made clear now. That is, permission should be sought from the executive authority of the municipality. So, we are making more specific who the executive authority is. Instead of leaving it as the Chairman, we are saying ' the executive authority '. This will apply to panchayats also. We are taking this opportunity to extend this Act to the transferred area, namely, the Kanyakumari district.

MR. CHAIRMAN: The question is—

" That the Madras Places of Public Resort (Amendment) Bill, 1960 (L.A. Bill No. 20 of 1960) as passed by the Legislative Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 12 were put and carried.

Clause 1 and the Preamble were put and carried.

3.50 p.m. THE HON. SRI M. A. MANICKAVELU: Sir, I move—

" That the Madras Places of Public Resort (Amendment) Bill, 1960 (L.A. Bill No. 20 of 1960), as passed by the Legislative Assembly be passed."

MR. CHAIRMAN: The question is—

" That the Madras Places of Public Resort (Amendment) Bill, 1960 (L.A. Bill No. 20 of 1960), as passed by the Legislative Assembly, be passed."

The motion was put and carried and the Bill was passed.

(5) THE MADRAS NURSES AND MIDWIVES (AMENDMENT) BILL, 1960 (L.A. BILL NO. 22 OF 1960).

THE HON. SRI M. A. MANICKAVELU: Mr. Chairman, I move—

" That the Madras Nurses and Midwives (Amendment Bill [a], 1960 (L.A. Bill No. 22 of 1960), as passed by the Legislative Assembly, be taken into consideration."

The object of the Bill is to extend the Act now in force in this State to the transferred area, viz., Kanyakumari district. Here, we take this opportunity of requiring that other categories of personnel, viz., health assistants and others, should also register themselves under this Act. Somehow, when the transferred area came to us, the present Act in our State was not extended to it, even though other Acts in force here were extended to that area. Now, we are rectifying that omission, since our idea is that the laws prevailing in this State should prevail in the transferred area

[a] Printed as Appendix VII on pages 33–38 infra.

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also. Of course, that area might have had its own Acts then, but now we are applying our laws to that area, as far as possible. That is all the object of this Bill.

MR. CHAIRMAN : The question is :—

"That the Madras Nurses and Midwives (Amendment) Bill, 1960 (L.A. Bill No. 22 of 1960), as passed by the Legislative Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 16 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Madras Nurses and Midwives (Amendment) Bill, 1960 (L.A. Bill No. 22 of 1960), as passed by the Legislative Assembly, be passed."

MR. CHAIRMAN : The question is—

"That the Madras Nurses and Midwives (Amendment) Bill, 1960 (L.A. Bill No. 22 of 1960), as passed by the Legislative Assembly, be passed."

The motion was put and carried and the Bill was passed.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. to-morrow.

The House then adjourned.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

182. NOTE ON ARTIFICIAL RAIN-MAKING EXPERIMENTS.

183. NOTIFICATION ISSUED WITH G.O. MS. NO. 2020, HOME, DATED 12TH JULY 1960, REGARDING AMENDMENT TO RULE 13 OF THE MADRAS SPIRITUOUS ESSENCES RULES, 1959.

* BILLS PASSED BY THE ASSEMBLY AND RECEIVED THEREFROM IN THE COUNCIL.

(a) The Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960).

(b) The Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960).

(c) The Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1960 (L.A. Bill No. 23 of 1960).

(d) The Madras Preservation of Private Forests (Amendment) Bill, 1960 (L.A. Bill No. 27 of 1960).

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* Circulated to all M.L.Cs. by special messenger on 24th August 1960.

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(*e*) The Madras Transferred Territory Extension of Laws Bill, 1960 (L.A. Bill No. 17 of 1960).

(*f*) The Madras Panchayat Union Councils (Special Provisions for First Constitution) Bill, 1960 (L.A. Bill No. 19 of 1960).

(*g*) The Industrial Employment (Standing Orders) (Madras Amendment) Bill, 1960 (L.A. Bill No. 14 of 1960).

(*h*) The Madras Places of Public Resort (Amendment) Bill, 1960 (L.A. Bill No. 20 of 1960).

(*i*) The Madras Nurses and Midwives (Amendment) Bill, 1960 (L.A. Bill No. 22 of 1960).



APPENDIX I.

[*Vide* answer to starred question No. 69 asked by Sri G. Krishnamoorthy at the meeting of the Legislative Council held on 5th September 1960, page 3 *supra*.]

Serial number and Educational district.	*Number of pension applications received up to the end of May 1960.*	*Number of claims authorised for payment by the A.G.*	*Number of claims yet to be authorised by the A.G.*	*Number returned to managements for rectification of defects in applications.*	*Number pending with the sanctioning authority for scrutiny.*
(1)	(2)	(3)	(4)	(5)	(6)
1 Madras North	69	38	31	..	..
2 Madras South ..	75	32	9	34	..
3 Chingleput	250	164	11	71	4
4 South Arcot	299	204	39	56	..
5 Villupuram	172	144	8	20	..
6 Thanjavur East ..	253	152	18	72	11
7 Thanjavur West ..	296	194	71	31	..
8 Madurai	186	158	14	14	..
9 Dindigul	123	86	3	30	4
10 Ramanathapuram ..	137	112	8	17	..
11 Virudhunagar ..	175	126	14	35	..
12 Tirunelveli North ..	84	83	1	..	..
13 Tirunelveli Central ..	180	155	12	13	..
14 Tirunelveli South ..	91	58	13	20	..
15 Tiruchirappalli ..	178	153	10	15	..
16 Pudukkottai	51	48	1	2	..
17 Salem	179	142	33	4	..
18 Dharmapuri	117	105	3	9	..
19 Erode	130	102	1	27	..
20 Coimbatore	198	130	12	56	..
21 North Arcot	434	153	68	213	..
22 Tiruvannamalai ..	116	90	7	19	..
23 The Nilgiris	81	57	13	7	4
24 The Inspector of Girls Schools, Madras.	3	2	..	1	..
25 The Inspector of Girls Schools, Thanjavur.	12	1	8	3	..
26 The Inspector of Girls Schools, Salem.	1	..	..	1	..
27 The Inspector of Girls Schools, Madurai.	7	3	3	1	..
28 The Inspector of Anglo-Indian Schools, Madras.	7	3	..	4	..
	3,904	2,695	411	775	23

APPENDIX II.

[Vide answer to starred question No. 71 asked by Sri T. P. Srinivasavaradan at the meeting of the Legislative Council held on 5th September 1960, page 5 supra.]

Letter from the Under Secretary to the Government of India, Ministry of Education, New Delhi-1, addressed to all State Governments (except Union Territories), dated 21st November 1959, No. F. 26-24/58-U. 5.

[Second Five-Year Plan—Scheme for giving loans to State Governments for the construction of hostels for educational institutions.]

I am directed to say that as the State Governments are aware, a scheme was included in the Second Five-Year Plan for giving loans to educational institutions for the construction of hostels. Under this scheme, loans are at present payable to the following categories of institutions :—

(i) Colleges affiliated to Universities established by law in India ;

(ii) High School, Higher Secondary Schools including multi-purpose schools, Teachers Training Colleges ; and

(iii) Institutions concerning Basic and Social Education.

It has been decided that with effect from 1959–60 loans under this scheme will also be advanced to the Physical Education Training institutions in addition to the institutions already covered by it.

2. According to the existing procedure, loans have been advanced either to the State Governments or to the institutions direct on the recommendations of the State Governments. Initially, the loans under this scheme were interest-free, but later on, it was decided that all loans sanctioned by the Central Government would carry interest at the borrowing rate of the Government of India prevalent at the time the loans were advanced, subject to the condition that if the Central Government was satisfied that any educational institution was not in a position to pay the interest charges, the Government might sanction to that institution a suitable grant-in-aid to cover the interest charges payable on the loan.

3. The Government of India have since undertaken a review of the working of the scheme in the light of certain representations received in this behalf and have decided that with effect from 1960–61, the procedure for grant of loans for the construction of hostels will be as follows :—

(i) The present practice of giving loans direct by the Centre to educational institutions managed by voluntary organizations will be discontinued ;

(ii) The sum provided in the budget for loans will be placed at the disposal of the State Governments who will also include a

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suitable provision in their own budgets for making advances to the educational institutions eligible for assistance under this scheme; and

(iii) The Government of India would also provide funds in the form of grant-in-aid to the State Governments to the extent the interest charges on the loans advanced to the institutions are waived by them after taking into account the financial capacity of the institutions concerned. For this purpose also, the States will make corresponding provision in their own budgets.

4. It has been decided that under the revised procedure loans payable to the State Governments for the construction of hostels will be paid through monthly release of ways and means advances to the States according to which the final sanction will be issued by this Ministry in February 1961, on the basis of first nine months' actual disbursements by the States and the estimates for the remaining three months of the year subject to suitable re-adjustment in the following year. Necessary provision for loans to State Governments during 1960-61 is being included in the Budget Estimates for that year and the State Governments will be informed, in due course of time, of the ceiling up to which the loans will be advanced to each State Government during 1960-61. In order to enable this Ministry to determine the ceiling up to which loans may be advanced to each State Government during 1960-61, I am to request that the State Governments may kindly draw up a list of institutions arranged *in order of priority*, and furnish full particulars of the institutions recommended by them as in the annexure to this letter in quadruplicate. This information may kindly be sent so as to reach this Ministry as early as possible and in any case not later than the *15th February* 1960.

5. I am to add that in the case of educational institutions to whom loans have been advanced direct in previous years by the Central Government on the recommendations of the State Government and where full amount of the sanctioned loan has not been released so far, the balance of the sanctioned loans will continue to be paid to the educational institutions direct by this Ministry.

6. I am further to add that this Ministry has at present under consideration a number of proposals for loans recommended by the State Governments under the previous procedure. It has been decided that these loans will be advanced to the State Governments during 1959-60 according to the procedure which was already being followed in this behalf, subject to the availability of funds during the current financial year. Separate sanctions will issue shortly in respect of the different types of institutions eligible for assistance under this scheme. The procedure indicated in regard to the waiver of interest charges indicated in item (iii) of paragraph 3 above will also apply to the loans which have been sanctioned in the past as well as those which are likely to be sanctioned during 1959-60.

7. I am to request that the acceptance of the new procedure for loans to educational institutions outlined in paragraphs 3 and 4 above may kindly be communicated to this Ministry immediately.

ANNEXURE.

PRO FORMA TO BE SUBMITTED BY STATE GOVERNMENT.

Central scheme of grant of loans for construction of hostels for educational institutions.

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1 Name of the institution.

2 Nature of institution. Whether Government or private.

3 Brief description of the institution and of its objects and activities :

4 Number of students on rolls.

5 Existing hostel accommodation.

6 Number of students to benefit.

7 Details of project for which loan is applied for.

8 Likely dates of commencement and completion of the project.

9 Justification for the project indicating the outstanding features of the institution which entitle it to Central loan and also how it will help in fulfilment of objectives of Educational Development Plan.

10 Estimated expenditure on the project.

11 Have the estimates and plans of the building been approved by the local Public Works Department or any other authorized agency ?

12 Details of plinth area to be constructed in relation to the number of students for whom construction is to be undertaken.

13 Whether suitable facilities for undertaking the project are available (give details).

14 Whether State Governments have satisfied themselves that the institution can repay the loan and about the adequacy of security which the institution would be able to furnish.

15 Priority given by the State Government.

APPENDIX III.

[Vide item III (1) on page 10 supra.]

L.A. BILL No. 23 OF 1960.

(As passed by the Assembly.)

A Bill further to amend the Madras Sales of Motor Spirit. Taxation Act, 1939.

WHEREAS it is expedient further to amend the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939), for the purpose hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Sales of Motor Spirit Taxation (Amendment) Act, 1960.

2. *Amendment of section* 3, *Madras Act VI of* 1939.—In section 3, sub-section (1), of the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939), for the words "thirty-eight naye Paise per gallon", the words "nine naye Paise per litre", for the words "thirty-five naye Paise per gallon", the words "eight naye Paise per litre" and for the words "ten naye Paise per gallon", the words "two naye Paise per litre" shall be substituted.

3. *Repeal.*—The Madras Sales of Motor Spirit Taxation (Amendment) Ordinance, 1960 (Madras Ordinance 1 of 1960), is hereby repealed.

I certify that this is a Money Bill.

U. KRISHNA RAO,
Speaker, Madras Legislative Assembly.

Fort St. George, Madras,
18*th August* 1960.

APPENDIX IV.

[Vide item III (2) on page 13 supra.]

L.A. BILL No. 14 OF 1960.

(As passed by the Assembly.)

A Bill further to amend the Industrial Employment (Standing Orders) Act, 1946, *in its application to the State of Madras.*

WHEREAS it is expedient further to amend the Industrial Employment (Standing Orders) Act, 1946 (Central Act XX of 1946), in its application to the State of Madras for the purpose hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Industrial Employment (Standing Orders (Madras Amendment) Act, 1960.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section* 2, *Central Act XX of* 1946.—To clause (*c*) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act XX of 1946), the following proviso shall be added, namely :—

"Provided that the State Government may, in relation to industrial establishments in respect of which it is the appropriate Government, appoint, by notification in the Official Gazette, any officer subordinate to the Labour Commissioner to exercise, in such area as may be specified in the notification, the functions of a Certifying Officer under this Act, and any officer appointed as aforesaid may exercise those functions, whether or not the Labour Commissioner is absent."

APPENDIX V.

[Vide item III (3) on page 15 supra.]

L.A. BILL No. 27 OF 1960.

(As passed by the Assembly.)

A Bill further to amend the Madras Preservation of Private Forests Act, 1949.

WHEREAS it is expedient further to amend the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Preservation of Private Forests (Amendment) Act, 1960.

2. *Amendment of section* 1, *Madras Act XXVII of* 1949.—*In* sub-section (2) of section 1 of the Madras Preservation of Private Forests Act, 1949 ((Madras Act XXVII of 1949) hereinafter referred to as the principal Act).—

(i) for clause (iii), the following clause shall be substituted, namely :—

" (iii) to private forests situated in other areas in the State of Madras and having a contiguous area exceeding 30 acres which may be declared by the District Collector to be forests for the purposes of this Act, by notification in the District Gazette; ";

(ii) in the Explanation at the end, for the figures and word '100 acres ", the figures and word " 30 acres " shall be substituted.

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3. *Amendment of section* 3, *Madras Act XXVII of* 1949.—In sub-clause (i) of clause (*b*) of sub-section (1) of section 3 of the principal Act, for the words " the State Government ", the words " the District Collector " shall be substituted.

4. *Amendment of section* 5, *Madras Act XXVII of* 1949.—In the Explanation to sub-section (1) of section 5 of the principal Act, for the words " the State Government ", the words " the District Collector " shall be substituted.

5. *Savings.*—Any declaration made by the State Government by notification in the *Fort St. George Gazette* under clause (iii) of sub-section (2) of section 1 of the principal Act before the date of the commencement of this Act shall be deemed to be a declaration made by the District Collector by notification in the District Gazette under clause (iii) aforesaid as substituted by this Act.

APPENDIX VI.

[Vide item III (4) on page 19 supra.]

L.A. BILL No. 20 OF 1960.

(As passed by the Assembly.)

A Bill further to amend the Madras Places of Public Resort Act, 1888.

WHEREAS it is expedient further to amend the Madras Places of Public Resort Act, 1888 (Madras Act II of 1888), for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Places of Public Resort (Amendment) Act, 1960.

2. *Substitution of new sections for sections* 1 *and* 2, *Madras Act II of* 1888.—For sections 1 and 2 of the Madras Places of Public Resort Act, 1888 (Madras Act II of 1888), (hereinafter referred to as the principal Act), the following sections shall be substituted, namely :—

" 1. *Short title and commencement.*—(1) This Act may be called the Madras Places of Public Resort Act, 1888.

(2) (*a*) It shall come into force at once in every municipality constituted or deemed to have been constituted under the Madras District Municipalities Act, 1920 (Madras Act V of 1920).

(*b*) The State Government may, by notification, extend all or any of the provisions of this Act to any other local area in the State except the City of Madras from such date as may be specified in such notification and may cancel or modify and such notification.

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2. *Definitions.*—In this Act, unless the context otherwise requires—

(*a*) 'building' includes any house, hut, shed or roofed enclosure;

(*b*) 'executive authority' means the executive authority as defined in clause (8-C) of section 3 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920)."

3. *Amendment of section* 3, *Madras Act II of* 1888.—In clause (*b*) of section 3 of the principal Act, for the words "or of a panchayat classified by the State Government as a major panchayat", the words, figures, brackets and letter "or of a Panchayat classified as a Class I panchayat under clause (*a*) of sub-section (1) of section 5 of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950), or as a town panchayat under the Madras Panchayats Act, 1958 (Madras Act XXXV of 1958)" shall be substituted.

4. *Amendment of section* 5, *Madras Act II of* 1888.—In section 5 of the principal Act,—

(i) for the words "to the Chairman of the Municipal Council", the words "to the executive authority" shall be substituted;

(ii) for the words "to any Magistrate", the words "to any revenue officer not below the rank of Tahsildar" shall be substituted.

5. *Amnedment of section*, 9, *Madras Act II of* 1888.—In section 9 of the principal Act, after clause (*c*), the following clause shall be added, namely :—

"(*d*) that any condition of the licence has been contravened."

6. *Amendment of section* 10, *Madras Act II of* 1888.—In section 10 of the principal Act,—

(i) in sub-section (1), for the words "Magistrate of the district", the words "Collector of the district" shall be substituted;

(ii) in sub-section (3), for the words "Subdivisional Magistrate, or if the original order was made by a Subdivisional Magistrate, to the Magistrate of the district", the words "Revenue Divisional Officer, or if the original order was made by a Revenue Divisional Officer, to the Collector of the district" shall be substituted.

7. *Amendment of section* 11, *Madras Act II of* 1888.—In section 11 of the principal Act, for the words "any Magistrate or Officer of Police", the words "any revenue officer not below the rank of Tahsildar or any officer of police" shall be substituted.

8. *Amendment of section* 12, *Madras Act II of* 1888.—In section 12 of the principal Act and in the marginal note thereto, for the words "District Magistrate", the words "Collector of the district" shall be substituted.

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9. *Amendment of sections 13-A and 13-C, Madras Act II of* 1888.—In section 13-A and section 13-C of the principal Act, for the words, figures and brackets " section 1, sub-section (3) ", the words, figures, brackets and letter " section 1, sub-section (2) (b) " shall be substituted.

10. *Insertion of new section 13-D in Madras Act II of* 1888.—After section 13-C of the principal Act, the following shall be inserted, namely :—

" 13-D. *Act not to apply to church, temple, mosque, etc.*—Nothing in this Act shall apply to any church, temple, mosque or other place of public worship."

11. *Amendment of section 14, Madras Act II of* 1888.—Section 14 of the principal Act shall be renumbered as sub-section (1) of that section and after the sub-section as so renumbered, the following sub-section shall be added, namely :—

" (2) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session."

12. *Repeal.*—(1) Any law corresponding to the principal Act as amended by this Act in force in the transferred territory immediately before the date of the commencement of this Act including the Travancore-Cochin Places of Public Resort Act, 1951 (Travancore-Cochin Act VIII of 1951), (hereinafter in this section referred to as the corresponding law), shall stand repealed on the date of such commencement.

(2) The repeal by sub-section (1) of the corresponding law shall not affect—

(*a*) the previous operation of the corresponding law or anything done or duly suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the corresponding law; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding law; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(3) Subject to the provisions of sub-section (2), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule framed, or licence granted under the corresponding law shall be deemed to

have been done or taken under the principal Act as amended by this Act and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under the principal Act as amended by this Act.

(4) Unless the context otherwise requires, the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply for the interpretation of the principal Act as amended by this Act and as in force in the transferred territory.

(5) For the purpose of facilitating the application of the principal Act as amended by this Act in the transferred territory, any court or other authority may construe the principal Act as amended by this Act with such alterations not affecting the substance as may be necessary or proper to adopt it to the matter before the court or other authority.

(6) Any reference to the corresponding law in any law which continues to be in force in the transferred territory after the date of the commencement of this Act shall, in relation to that territory, be construed as a reference to the principal Act as amended by this Act.

(7) Any reference, by whatever form of words, in any law which continues to be in force in the transferred territory to any authority competent at the date of the commencement of this Act to exercise any powers or discharge any functions in the transferred territory shall, where a corresponding new authority has been constituted by or under the principal Act as amended by this Act, have effect as if it were a reference to that new authority.

(8) (*a*) If any difficulty arises in giving effect to the provisions of this Act or of the principal Act as amended by this Act, the State Government as occasion may require, may by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(*b*) All orders made under clause (*a*) shall, as soon as possible after they are made, be placed on the table of both Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

Explanation.—For the purposes of this section—

(1) the expression " date of the commencement of this Act " means—

(i) in relation to any municipality, the date on which this Act is published in the *Fort St. George Gazette;* and

(ii) in relation to any other local area, the date specified in the notification under section 1, sub-section (2) (*b*) of the principal Act as amended by this Act;

(2) the expresion " transferred territory " means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

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MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 12 (8) (*a*) of the Bill empowers the Government to make any order for the purpose of removing any difficulty which may arise in giving effect to the provisions of the Bill when enacted or of the Principal Act as amended by the Bill when enacted. The powers delegated are normal and not of an exceptional character.

APPENDIX VII.

[Vide item III (5) on page 20 supra.]

L.A. BILL No. 22 OF 1960.

(As passed by the Assembly.)

A Bill further to amend the Madras Nurses and Midwives Act, 1926, *and to extend that Act to the transferred territory in the State of Madras.*

WHEREAS it is expedient further to amend the Madras Nurses and Midwives Act, 1926 (Madras Act III of 1926), for the purposes hereinafter appearing and to extend that Act to the transferred territory in the State of Madras;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Nurses and Midwives (Amendment) Act, 1960.

2. *Substitution of new long title and new preamble for the long title of, and the preamble to, Madras Act III of* 1926.—For the long title of, and the preamble to, the Madras Nurses and Midwives Act, 1926 (Madras Act III of 1926) (hereinafter referred to as the principal Act), the following shall be substituted, namely :—

" *An Act to provide for the registration of nurses, midwives, health visitors, auxiliary nurse-midwives and dhais in the State of Madras.*

WHEREAS it is expedient to provide for the registration of nurses, midwives, health visitors, auxiliary nurse-midwives and dhais in the State of Madras;

IT is hereby enacted as follows :—".

3. *Amendment of section* 1, *Madras Act III of* 1926.—In sub-section (2) of section 1 of the principal Act, for the words " Presidency of Madras ", the words " State of Madras " shall be substituted.

4. *Amendment of section* 2, *Madras Act III of* 1926.—For clause (*e*) of section 2 of the principal Act, the following clause shall be substituted, namely :—

" (*e*) ' Register ' means a register maintained under this Act and ' registered ' means registered or deemed to be registered under this Act ".

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5. *Amendment of section* 3, *Madras Act III of* 1926.—In sub-section (1) of section 3 of the principal Act—

(i) in the opening paragraph, for the words " Presidency of Madras ", the words " State of Madras " shall be substituted;

(ii) for clauses (*a*) and (*b*), the following clauses shall be substituted, namely :—

" (*a*) the Director of Medical Services;

(*b*) three officers of the Public Health Department of Government, nominated by the State Government, of whom one shall be a nurse ";

(iii) in clause (*c*), for the word " Superintendent ", the word " Dean " shall be substituted;

(iv) in clause (*g*) for the word " Matron " in the two places where it occurs, the word " Nursing " shall be substituted;

(v) in the last sentence, for the words " The Surgeon-General ", the words " The Director of Medical Services " shall be substituted.

6. *Substitution of new section for section* 5, *Madras Act III of* 1926.—For section 5 of the principal Act, the following section shall be substituted, namely :—

" 5. *Registration of nurses, midwives, health visitors and auxiliary nurse-midwives.*—(1) The Council shall maintain a register of nurses, midwives, health visitors and auxiliary nurse-midwives and in such register shall be entered the names of all nurses, midwives, health visitors and auxiliary nurse-midwives, who have undergone the course of training and passed the examinations and fulfil the conditions prescribed.

(2) The register referred to in sub-section (1) shall consist of such parts and shall be maintained in such manner as may be prescribed."

7. *Insertion of new section* 5-*A in Madras Act III of* 1926.—After section 5 of the principal Act, the following section shall be inserted, namely :—

" 5-*A*. *Nurses and midwives registered under Travancore-Cochin Act X of* 1953 *deemed to be registered under this Act.*—(1) Notwithstanding anything contained in this Act, any person registered under the Travancore-Cochin Nurses and Midwives Act, 1953 (Travancore-Cochin Act X of 1953), who, immediately before the first day of November 1956, was holding any appointment as nurse or midwife in any hospital, dispensary, or infirmary not supported entirely by voluntary contributions in the transferred territory or who, immediately before the said day, was practising as nurse or midwife in that territory shall, subject to the provisions of section 7, be deemed to be registered as a nurse or as the case may be, a midwife under this Act,

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Explanation.—For the purpose of this sub-section, the expression ' transferred territory ' shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

(2) The Council shall, subject to such conditions and restrictions as may be prescribed, enter in the register referred to in sub-section (1) of section 5 the name of any person who, under sub-section (1) of this section, is deemed to be registered under this Act."

8. *Amendment of section 7, Madras Act III of* 1926.—In section 7 of the principal Act, for the words " any nurse, midwife or dhai ", wherever they occur, the words " any nurse, midwife, health visitor, auxiliary nurse-midwife or dhai " shall be substituted.

9. *Amendment of section 8, Madras Act III of* 1926.—In section 8 of the principal Act—

(i) in sub-section (1), for the words " Any nurse, midwife or dhai ", the words " Any nurse, midwife, health visitor, auxiliary nurse-midwife or dhai shall be substituted;

(ii) in sub-section (2), in clause (*c*), for the words " nurses and midwives ", the words " nurses, midwives, health visitors and auxiliary nurse-midwives " shall be substituted.

10. *Amendment of section 10, Madras Act III of* 1926.—In sub-section (1) of section 10 of the principal Act, for the words " nurse or midwife ", in the two places where they occur, the words " nurse, midwife, health visitor or auxiliary nurse-midwife " shall be substituted and to the same sub-section the following Explanation shall be added, namely :—

" *Explanation.*—In relation to a health visitor or auxiliary nurse-midwife, the expression ' commencement of this Act ' in this sub-section shall be construed as referring to the date of the coming into force of the Madras Nurses and Midwives (Amendment) Act, 1960."

11. *Amendment of section 11, Madras Act III of* 1926.—In section 11 of the principal Act—

(i) in sub-section (2),—

(*a*) after clause (*b*), the following clause shall be inserted, namely :—

" (*bb*) prescribing the conditions and restrictions subject to which the Council shall enter in the register referred to in sub-section (1) of section 5, the name of any person under sub-section (2) of section 5-A ";

(*b*) in clause (*d*), for the words " nurses, midwives and dhais " in the two places where they occur, the words " nurses, midwives, health visitors, auxiliary nurse-midwives and dhais " shall be substituted;

(ii) after sub-section (2), the following sub-section shall be added, namely :—

" (3) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session."

12. *Amendment of section* 12, *Madras Act III of* 1926.—In clauses (*b*) and (*c*) of sub-section (1) of section 12 of the principal Act, for the words " nurses, midwives and dhais ", the words " nurses, midwives, health visitors, auxiliary nurse-midwives and dhais " shall be substituted.

13. *Insertion of new section* 12-A *in Madras Act III of* 1926.—After section 12 of the principal Act, the following section shall be inserted, namely :—

" 12-A. *Prohibition of unauthorized conferment.*—(1) Save as provided in this Act or the rules or by-laws made thereunder, no person shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practise the profession of a registered nurse, midwife, health visitor, auxiliary nurse-midwife or dhai.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to one thousand rupees; and if the person so contravening is an association, every member of such association who knowingly and wilfully authorizes or permits the contravention, shall be punishable with fine which may extend to five hundred rupees."

14. *Amendment of section* 14, *Madras Act III of* 1926.—In section 14 of the principal Act—

(i) in sub-section (1), for the words " registered nurse " wherever they occur, the words " registered nurse or health visitor " shall be substituted;

(ii) in sub-section (2), for the words " registered midwife or dhai " wherever they occur, the words " registered midwife, auxiliary nurse-midwife or dhai " shall be substituted.

15. *Extension of Madras Act III of* 1926 *to the transferred territory, repeals and savings.*—(1) The Madras Nurses and Midwives Act, 1926 (Madras Act III of 1926), as in force immediately before the date of the commencement of this Act and as amended by this Act (hereinafter in this section referred to as the Madras Act), is hereby extended to, and shall be in force in, the transferred territory.

(2) Any law corresponding to the Madras Act in force in the transferred territory immediately before the date of the commencement of this Act, including the Travancore-Cochin Nurses and

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Midwives Act, 1953 (Travancore-Cochin Act X of 1953) (hereinafter in this section referred to as the corresponding law), shall stand repealed on the date of such commencement.

(3) The repeal by sub-section (2) of the corresponding law shall not affect—

(*a*) the previous operation of the corresponding law or anything done or duly suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the corresponding law; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding law; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(4) Subject to the provisions of sub-section (3), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, or any rule, regulation or form framed, certificate granted or registration effected, under the corresponding law shall be deemed to have been done or taken under the Madras Act and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under the Madras Act.

(5) Unless the context otherwise requires, the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply for the interpretation of the Madras Act as extended to, and in force in, the transferred territory.

(6) For the purpose of facilitating the application of the Madras Act in the transferred territory, any court or other authority may construe such Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(7) Any reference in the Madras Act to a law which is not in force in the transferred territory shall, in relation to that territory, be construed as a reference to the law, if any, in force in that territory corresponding to such law.

(8) Any reference to the corresponding law in any law which continues to be in force in the transferred territory after the date of commencement of this Act shall, in relation to that territory, be construed as a reference to the Madras Act.

Explanation.—For the purpose of this section, the expression " transferred territory " shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

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16. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act or of the principal Act as amended by this Act, the State Government as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(2) All orders issued under sub-section (1) shall, as soon as possible after they are issued, be placed on the table of both Houses of the Legislature and be subject to such modification, by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

New section 5, which is proposed to be substituted by clause 6 of the Bill, empowers the State Government to prescribe—

(*a*) the course of training to be undergone, the examinations to be passed and the conditions to be fulfilled by nurses, midwives, health visitors and auxiliary nurse-midwives, before their names are entered in the register maintained by the Madras Nurses and Midwives Council, and

(*b*) the parts which such register shall consist of and the manner in which it shall be maintained.

Sub-section (2) of new section 5-A and new clause (*bb*) of sub-section (2) of section 11 which are proposed to be inserted by clauses 7 and 11 of the Bill respectively empower the State Government to prescribe the conditions and restrictions subject to which the Council shall enter in the register the name of any person under sub-section (2) of new section 5-A.

Clause 16 of the Bill empowers the Government to do anything by order for the purpose of removing any difficulty, which may arise in giving effect to the provisions of the Bill when enacted.

The powers delegated are normal and not of an exceptional character.